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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,676	08/10/2005	Miko Mihelic	30238-420	6346
45263 7590 09/30/2009 MITCHELL P. BROOK LUCE, FORWARD, HAMILTON & SCRIPPS LLP 11988 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130				
			EXAMINER	
			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			09/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,676

Applicant(s)

MIHELIC, MIKO

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 8/12/09: 6/25/09

1. Applicant has listed claims 1-4, 13-15, and 20-22 as "Withdrawn". It is not clear why these claims are withdrawn. The method claims submitted 7/22/2009, and erroneously numbered 1-19, were non-elected by original presentation. However, the earlier presented apparatus claims 1- 4, 13-15, and 20-22 (submitted 6/25/2009) were not subject to restriction. These claims should either be canceled or pending, not withdrawn. For the purpose of this office action, it is assumed that applicant intended to cancel all of claims 1-22.

2. Claims 26 and 30-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, applicant claims the handlebar assembly is "foldable". However, in claim 23, applicant claims the handlebars to be "pivotable between a riding position and a downward position". This phrase appears to describe the folding operation disclosed. Therefore, it is not clear if by "foldable" applicant is claiming an additional function (which does not appear consistent with applicant's invention) or claim 26 is not further limiting in that it claims the same function as recited in claim 23. It appears that claim 26 is not further limiting and should be deleted.

In claim 30, lines 7, applicant erroneously claims "a first end of the fork is releasably coupled to the bearing tube". This is not consistent with applicant's original disclosure. According to applicant's disclosure, the front fork 4 is rotatably supported within the bearing tube 35. While it is conventional to provide some structure for

removing an entire fork assembly from the bearing tube (for repair or replacement), no such structure is taught in applicant's detailed disclosure, so it appears that is not the kind of releasable connection applicant is claiming. Applicant's fork 4 includes fork blades 6, swing arms 7, and a stirrup 8. The stirrup 8 is releasably connected to the fork 4 by a releasable connection 12 just below the bearing 5. Applicant may intend to claim that structure, however, the stirrup is not presently recited in the claim. Therefore, correction of the claims is required to accurately describe applicant's invention.

In claims 33-35, applicant claims a "locking assembly" in the front fork. However, applicant has not recited a locking assembly for the front fork in his detailed original disclosure. Again, applicant may intend to claim the "manually releasable connection 12" described in para [0019] of the detailed disclosure, but this is not clear. Also, in claims 234 and 35, applicant claims the locking assembly "release the front fork from the bearing tube", however, even applicant's disclosed releasable connection 12 does not couple or release the fork from the bearing tube, as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-28 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoo (JP 2000-062672) in view of Marcelin (GB 526,773).

Motoo shows, in figure 7, a bicycle having a frame 58, a seat tube 60, a bearing tube 59, a handlebar assembly, and a folding front fork assembly 63, 64. The front fork is pivotally coupled to the frame near the bottom of the bearing tube and is foldable to a position adjacent the frame. The handlebars are pivotable between a riding position and a downward position.

The handlebars are not shown extending between the seat tube and the bearing tube in the downward position.

Marcelin shows a bicycle with a handlebar that is pivotable between a riding position (Figure 1) and a downward folding position (Figure 3). Before folding, the front fork is rotated 180 degrees to a rearward facing position such that the folded handlebars extend between the seat tube 12 and the bearing tube. Marcelin also teaches providing two spacially separated handlebar mounting assemblies 17, each hingedly connecting a respective handlebar 15 (see Figure 6).

It would have been obvious to one of ordinary skill in the art to provide the Motoo bicycle with handlebars that extend between the seat tube and bearing tube when folded by rotating the front fork before folding the bicycle and provide a pair of separate handlebar mounting assemblies, as taught by Marcelin, in order to fold the bicycle more compactly.

5. Claims 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoo and Marcelin as applied to claims 23-28 and 30-35 above, and further in view of Astier (FR 1,011,990).

The combination lacks a folding rear wheel assembly.

Astier shows a bicycle with a folding front fork assembly and a folding rear wheel assembly 18, 21 including a rear wheel 19 that rotates generally upwards relative to the frame 1-6 (see figure 2).

It would have been obvious to one of ordinary skill in the art to provide the combination bicycle with a folding rear wheel assembly, as taught by Astier, in order to provide a more compact folded bicycle.

6. Applicant's arguments with respect to claims 23-36 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Friday, with work at home on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M. Boehler/
Primary Examiner, Art Unit 3611

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Primary Examiner
Art Unit 3611

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